



STATE OF NEVADA

BEFORE THE NEVADA COMMISSION ON ETHICS

In the Matter of the Request for Opinion
Concerning the Conduct of **STEVE EVENSON**,
Member, Pershing General Hospital, Board of Trustees,
Pershing County,
State of Nevada,

**Request for
Opinion No. 10-05C**

Subject.

**ACTING EXECUTIVE DIRECTOR'S RECOMMENDATION TO INVESTIGATORY
PANEL AND SUBMISSION OF INVESTIGATOR'S REPORT**

The following is the Acting Executive Director's recommendation based on consideration of the Commission's investigation of the Ethics Complaint filed against STEVE EVENSON ("Subject"), a public officer, and the Subject's written response to the Ethics Complaint. The Investigator's Report and Subject's Response is attached for the consideration of the investigatory panel.

The Commission's Executive Director, Caren Jenkins, Esq., recused herself from participating in the investigation regarding the Ethics Complaint filed in this matter. The Executive Director had no legal duty to abstain from participation. However, based upon an objection made by the Subject, and to avoid any perception of an appearance of impropriety, she has abstained from participating in the investigation of this matter.

The Chairman appointed the Commission's Counsel, Yvonne Nevarez-Goodson, to serve as the Acting Executive Director in this matter.

To avoid any appearance of bias by serving as both the Acting Executive Director for the purposes of this Ethics Complaint and Commission Counsel, I make no substantive recommendation regarding whether just and sufficient cause exists based on credible evidence in this matter for the Commission to render an opinion. Rather, I recommend that the Investigatory Panel consult the evidence presented in the Ethics Complaint, the Investigator's Report and Subject's Response to the Ethics Complaint to reach a decision on whether the evidence constitutes credible evidence to find that just and sufficient cause exists for the Commission to render an opinion on whether Steve Evenson violated the Ethics in Government Law.

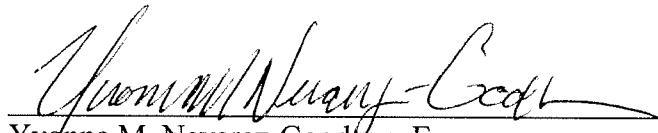
Credible evidence is defined as "the minimal level of any reliable and competent form of proof provided by witnesses, records, documents, exhibits, concrete objects, and other such similar means, that supports a reasonable belief by a panel that the Commission should hear the matter and render an opinion." I recommend that the Investigatory Panel consult each allegation

of a violation of NRS 281A set forth in the Investigator's report and noticed to the Subject with any facts provided in the Investigator's Report and Subject's response and determine whether those facts rise to the level of "credible evidence" as outlined herein.

If the Investigatory Panel has a question of law, procedural or substantive, I will provide that legal advice as your Commission Counsel. If the Commission has a factual inquiry, I will refer the panel to the Commission's Investigator who investigated these facts independently.

Within 15 days after the receipt of this recommendation (on April 8, 2010), the Investigatory Panel must make its final determination regarding whether there is just and sufficient cause based on a finding of credible evidence for the Commission to render an opinion in the matter. NRS 281A.440(5). Therefore, if there is any issue of fact that the Investigatory Panel would like to investigate further before making its determination regarding just and sufficient cause regarding any of the allegations set forth in the Ethics Complaint, the Panel may defer its final determination until 15 days after its receipt of this recommendation, or April 23, 2010.

I hereby submit the attached Investigator's Report and Subject Response in lieu of a recommendation to this honorable panel.

 Date: 4/8/10
Yvonne M. Nevarez-Goodson, Esq.
Commission Counsel
Acting Executive Director for RFO 10-05C